

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y.  
★ AUG 14 2012 ★

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PIERCE & WEISS, LLP,

Plaintiff,

v.

SUBROGATION PARTNERS, LLC.,  
AON RECOVERY INC.

Defendants.  
-----X

BROOKLYN OFFICE

**MEMORANDUM & ORDER**  
08-CV-04676 (MKB)

MARGO K. BRODIE, United States District Judge:

Plaintiff Pierce & Weiss, LLP filed the above-captioned action on November 19, 2008 against Defendants Subrogation Partners, LLC ("Subrogation"), Aon Recovery, Inc., and Aon Re Inc.<sup>1</sup> to recover legal fees allegedly due under an agreement between Plaintiff and Defendant Subrogation. On December 8, 2011, Defendant Subrogation filed a counter-claim against Plaintiff for breach of fiduciary duty.

By Report and Recommendation dated July 24, 2012, Magistrate Judge Cheryl L. Pollak recommended that a default judgment be entered against Defendant Subrogation, and that Defendant Subrogation's counterclaim be dismissed for failure to prosecute if Defendant Subrogation failed to contact the Court by August 3, 2012. (Docket Entry # 95.)

Defendant Subrogation failed to contact the Magistrate Court or file any objection to the Report and Recommendation.

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<sup>1</sup> Plaintiff voluntarily dismissed the Complaint against Aon Re Inc. on June 7, 2010. (Docket Entry # 57.)

Having received no objection from Defendant Subrogation, the Court adopts the Report and Recommendation in its entirety. The Clerk of the Court is directed to enter a default judgment against Defendant Subrogation and Defendant's Subrogation's counterclaim is dismissed for failure to prosecute. The Clerk of the Court is also directed to serve a copy of this Memorandum and Order on Defendant Subrogation and to note the service on the docket.

SO ORDERED.

Dated: August 13, 2012  
Brooklyn, NY

s/Margo K. Brodie  
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MARGO K. BRODIE  
United States District Judge